

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RUIYAO CHEN)	CASE NO: 5:12 – CV -1588
)	
on behalf of herself and)	JUDGE: HON. JOHN R. ADAMS
all others similarly situated,)	
)	
Plaintiff,)	
)	
vs.)	ORDER CONDITIONAL
)	CERTIFICATION AND NOTICE
YELLOW TAIL, INC., et al)	
)	
)	
Defendants.)	

Plaintiff's Motion for Conditional Certification and Proposed Notice and Consent Form came before this Court for consideration on November 30, 2012. Upon consideration of the application and for good cause shown,

IT IS HEREBY ORDERED as follows:

Pursuant to Federal Rules of Civil Procedure 26(d) and 83(b), and Section 16(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), this Court hereby conditionally certifies the present FLSA collective action and authorizes Plaintiff and Defendants to provide notice to the putative class members of Plaintiff's alleged FLSA claims. The parties will provide notice to the putative class members in accordance with the following schedule:

- 1) Plaintiff's Notice and Consent Form, in English, Chinese, and Spanish, containing proposed language for notification and consent form, is hereby authorized by the Court;
- 2) On or before December 1, 2012, Defendants shall provide to Plaintiff an up-to-date, complete and accurate list of ALL their employees, current and former, who work or worked for Yellow Tail, Inc. from June 20, 2009 to the Present. This employee list

should contain employee's name, home address (including zip code), phone number and employment date;

- 3) Plaintiff shall, at Plaintiff's cost, mail the Notice and Consent Form attached to the individuals appearing on the list referred to in Paragraph 2 via mail (Regular, First-Class, or Certified Mail) on or after the date of this Order (_____, 201__). Plaintiff may reserve the right to seek reimbursement of this cost from Defendants if this matter is resolved in Plaintiff's favor;
- 4) Notice period will be sixty (60) days. The opt-in period will close as to the potential opt-in Plaintiffs on _____, 2013, sixty days after the date of this Order;
- 5) Neither party shall contact any of the potential op-in Plaintiffs for the purpose of discussing their participation in this lawsuit through the end of the opt-in period, except that it shall not prevent Plaintiff's counsel or Defendants' counsel from responding to inquiries from the potential opt-in Plaintiffs during this time, and in the event the notice is returned as undeliverable, Plaintiff's counsel shall call the individual with the telephone number supplied by Defendants to inform such individual of the notice. In addition, Plaintiff's counsel may contact any opt-in Plaintiffs after they have opted in.

IT IS SO ORDERED.

Dated: _____

Hon. John R. Adams
United States District Judge